

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.

01 - 600

UNITED STATES OF AMERICA,

Plaintiff,

v.

20.00 ACRES OF LAND, MORE OR
LESS, IN THE COUNTY OF
DADE, STATE OF FLORIDA; and
LULU EISENSTADT, et al.,
and UNKNOWN OWNERS,

Defendants.

Tract No. 577-15
(EAST EVERGLADES)

**COMPLAINT IN CONDEMNATION
PURSUANT TO DECLARATION OF TAKING**

1. The plaintiff, the United States of America, by and through the undersigned Special Assistant U.S. Attorney for the Southern District of Florida, hereby brings this action to take property at the request of HORACE G. CLARK, Regional Solicitor, Southeast Region, U.S. Department of the Interior, for the taking of 20.00 Acres of Land, More or Less, Situated in Dade County, Florida, under the power of eminent domain, by and through the Declaration of Taking executed by HORACE G. CLARK, and for the ascertainment and award of just compensation to the owners and parties in interest.

2. The authority for the taking of the land is stated in Schedule A, attached hereto.

3. The public uses for which the land is taken is stated in

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Schedule A, attached hereto.

4. The property taken, the estates to be taken and the names and addresses of persons having or claiming an interest in the property are contained in Schedules B and C attached hereto.

5. A plat showing the land taken is attached as Schedule D.

6. Local and State taxing authorities may have, or claim, an interest in the property by reason of taxes and assessments.

7. In addition to the persons named, there are, or may be, others who have or may claim some interest in the property taken, whose names are unknown to the plaintiff; such persons are, hereby, made parties to the action under the designation, "UNKNOWN OWNERS."

WHEREFORE, the plaintiff prays that this Court order that the property be condemned, pursuant to both the Declaration of Taking filed with this complaint and the Declaration of Taking Act, 40 U.S.C. § 258a; that just compensation for the taking be ascertained and awarded; and that this court order such other relief as may be lawful.

Respectfully submitted,

GUY A. LEWIS
UNITED STATES ATTORNEY

By: 

CHRISTOPHER D. HAGEN
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SCHEDULE "A"

EVERGLADES NATIONAL PARK

AUTHORITY FOR THE TAKING

The authority for the taking of the land is under and in accordance with the Act of Congress approved August 1, 1888, 25 Stat. 357, as amended, 40 U.S.C., sec. 257; the Act of Congress approved February 26, 1931, 46 Stat. 1421, as amended, 40 U.S.C., sec. 258a, the Act of May 30, 1934, 48 Stat. 816, as amended, which authorized the establishment of Everglades National Park; the Act of December 13, 1989, 103 Stat. 1946, 16 U.S.C., sec. 410r-5, et seq., which expanded the boundaries of Everglades National Park; and the Land and Water Conservation Fund Act of 1965, 78 Stat. 897, as amended, 16 U.S.C., sec. 460j-4, et seq.; and under the authority of the Department of Interior and Related Agencies Appropriation Act, 2000, as enacted by section 1000 (a) (3) of the Consolidated Appropriations Act, 2000 (Public Law 106-113), which Act appropriated funds for such purposes.

PUBLIC USES

The public uses for which said land is to be taken are as follows: The land is required to modify the boundaries of Everglades National Park and to provide for the protection of lands, waters, and natural resources within the park for the benefit and enjoyment of future generations. The said land has been selected for acquisition by the United States of America for said purposes, and for such other uses as may be authorized by Congress or by Executive Order.

SCHEDULE "B"

EVERGLADES NATIONAL PARK

Tract 577-15

DESCRIPTION:

All that certain tract or parcel of land lying and being situated in the County of Dade, State of Florida, and being more particularly described as follows:

Tallahassee Meridian
Section 31, Township 55 South, Range 37 East,

W1/2 of S1/2 of S1/2 of NW1/4

Containing 20.00 acres, more or less.

Estimated compensation deposited in the Registry of the Court for the above-described property is \$10,000.00.

ESTATE TAKEN:

The fee simple title subject to: (a) all interests of the State of Florida or any political subdivision thereof; (b) oil, gas and mineral interests of record outstanding in third parties; and (c) existing easements for public roads and highways, public utilities, railroads, and pipelines.

SCHEDULE "C"

EVERGLADES NATIONAL PARK

Tract 577-15

NAMES AND ADDRESSES OF PURPORTED OWNERS:

Lulu Eisenstadt
15075 Witney Rs. #201
Delray Beach, FL 33484

Sayde S. Miller (deceased)

Unknown heirs and devisees of Sayde S. Miller

NAMES AND ADDRESSES OF OTHER PARTIES WHO MAY HAVE OR CLAIM AN INTEREST IN THE LAND:

Amy Ness Sexton, individually (daughter of Sadye S. Miller), and as Trustee for Valerie Sexton
3883 46th Ave. S.
St. Petersburg, FL 33711
(by virtue of Last Will and Testament of Sadye S. Miller)

Linda Stein (daughter of Sadye S. Miller)
28 Old Town Crossing
Mount Kisco, NY 10549
(by virtue of Last Will and Testament of Sadye S. Miller)

State of Florida
Department of Revenue
5050 West Tennessee Street
Tallahassee, FL 32399-2100
(by virtue of a possible lien for estate taxes on estate of Sadye S. Miller)

Tax Collector
Tax Collection Division, South Dade Branch
County of Dade
10710 Southwest 211th Street
Miami, Florida 33189
(by virtue of a possible lien for real property taxes)

Unknown owners

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States, September 1997, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

DEFENDANTS

20.00 Acres of Land, More or Less Situated in Dade County, Florida; and Lulu Eisenstadt, et al.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF

(EXCEPT IN U.S. PLAINTIFF CASES)

Dade A 1:01 CV 600 LCA/AMS

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Christopher Hagen, Special Assistant U.S. Attorney
99 NE 4th Street
Miami, Florida 33132
(305) 961-9314

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT:

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

ATTORNEYS (IF KNOWN)

(d) CIRCLE COUNTY WHERE ACTION AROSE: DADE MONROE, BROWARD, PALM BEACH, MARTIN, ST. LUCIE, INDIAN RIVER, OKEECHOBEE, HIGHLANDS

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

VI. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

A CONTRACT		A TORTS		FORFEITURE/PENALTY		A BANKRUPTCY		A OTHER STATUTES	
110	Insurance	PERSONAL INJURY		B 610	Agriculture	422	Appeal 28 USC 158	400	State Reapportionment
120	Marine	310	Airplane	B 620	Other Food & Drug		Antitrust	410	Antitrust
130	Miller Act	315	Airplane Product Liability	B 625	Drug Related Seizure of Property 21 USC 881	423	Withdrawal 28 USC 157	430	Banks and Banking
140	Negotiable Instrument	320	Assault, Libel & Slander	B 630	Liquor Laws			B 450	Commerce/ICC Rates/etc
150	Recovery of Overpayment & Enforcement of Judgment	330	Federal Employers' Liability	B 640	R.R. & Truck	A PROPERTY RIGHTS		460	Deportation
151	Medicare Act	340	Marine	B 650	Airline Regs	820	Copyrights	470	Racketeer Influenced and Corrupt Organizations
152	Recovery of Defaulted Student Loans (Excl. Veterans)	345	Marine Product Liability	B 660	Occupational Safety/Health	830	Patent	810	Selective Service
153	Recovery of Overpayment of Veteran's Benefits	350	Motor Vehicle	B 690	Other	840	Trademark	850	Securities/Commodities/Exchange
160	Stockholders' Suits	355	Motor Vehicle Product Liability	A LABOR		B SOCIAL SECURITY		875	Customer Challenge 12 USC 3410
190	Other Contract	360	Other Personal Injury	710	Fair Labor Standards Act	861	HIA (1395ff)	891	Agricultural Acts
195	Contract Product Liability			720	Labor/Mgmt. Relations	862	Black Lung (923)	892	Economic Stabilization Act
A REAL PROPERTY		A CIVIL RIGHTS		PRISONER PETITIONS		730	Labor/Mgmt. Reporting & Disclosure Act	893	Environmental Matters
210	Land Condemnation	441	Voting	B 510	Motions to Vacate Sentence	740	Railway Labor Act	894	Energy Allocation Act
220	Foreclosure	442	Employment	HABEAS CORPUS:		790	Other Labor Litigation	895	Freedom of Information Act
230	Rent Lease & Ejectment	443	Housing/Accommodations	B 530	General	791	Empl. Ret. Inc. Security Act	900	Appeal of Fee Determination Under Equal Access to Justice
240	Torts to Land	444	Welfare	A 535	Death Penalty			950	Constitutionality of State Statutes
245	Tort Product Liability	440	Other Civil Rights	B 540	Mandamus & Other			890	Other Statutory Actions
290	All Other Real Property			B 550	Civil Rights			A QB B	
				B 555	Prison Condition				

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL UNLESS DIVERSITY.)

16 U.S.C. 410r-5

(Land Commissioner, Other East Everglades cases covered by Admin. Orders 96-13, 97-08 & 99-20)

LENGTH OF TRIAL
via days estimated (for both sides to try entire case)

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A
UNDER F.R.C.P. 23

CLASS ACTION

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: YES ☐ NO ☒

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING FEE

JUDGE

MAG JUDGE